

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SIMMONS BANK, §
Plaintiff, §
§
v. § Civil Action No. 4:24-cv-01191
CINCH ENERGY SERVICES, L.L.C., §
MARK LOPEZ AND FRANK §
THOMAS SHUMATE, JR §
Defendants.

DEFENDANTS CINCH ENERGY SERVICES, LLC
AND FRANK THOMAS SHUMATE'S RULE 26(a)(1) DISCLOURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and the Parties Joint Discovery/Case Management Plan, Defendant Cinch Energy Services and Frank Thomas Shumate, Jr. serves the following Initial Disclosures upon Plaintiff Simmons Bank and Mark Lopez.

I. INITIAL DISCLOSURES

26(a)(1)(A)(i): The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

RESPONSE:

1. **Mark Lopez.** Mr. Lopez resides at 52 County Road 3011, Edna, Texas 77957. He may be contacted through his counsel Chuck Newton at 281-681-1170 . Mr. Lopez is likely to have discoverable information regarding his relationship with Cinch Energy Services, LLC,

the Loan Agreement dated 12/9/2020 and the Guaranty dated 12/9/2020 that he signed.

2. Frank Thomas Shumate, Jr. Mr. Shumate resides at 6118 King Trail, Corpus Christi, Texas 78414. His phone number is unknown but may be contacted through his attorney of record herein, Paul W. O'Finan, at 210-646-9400. Mr. Shumate is likely to have discoverable information regarding his role in Cinch Energy Services, LLC, the Loan Agreement dated 12/9/2020, the Promissory Note dated 12/9/2020 and the Guaranty that he signed and that Mr. Lopez signed. Defendant Frank Thomas Shumate incorporates by reference the names produced by the parties to this cause, and also the person(s) identified by the parties in their respective disclosures.

REQUEST 26(a)(1)(A)(ii): [A] copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE:

1. Loan Agreement dated 12/9/2020 as attached to Plaintiff's complaint.
2. Promissory Note dated 12/9/2020 as attached to Plaintiff's complaint.
3. Guaranty signed by Mr. Lopez 12/9/2020 as attached to Plaintiff's complaint.

REQUEST 26(a)(1)(A)(iii):[A] computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE:

Defendant Cinch Energy Services and Defendant Frankt Thomas Shumate, Jr. are not seeking damages at this time. Defendants' investigation is continuing, and if there are any required disclosures under this category, they will be disclosed *via* supplementary disclosures under Rule 26(e).

REQUEST 26(a)(1)(A)(iii):for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE: None.

Respectfully submitted,

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*ATTORNEY-IN-CHARGE FOR DEFENDANTS
CINCH ENERGY SERVICES, LLC AND FRANK
THOMAS SHUMATE, JR*

CERTIFICATE OF SERVICE

I certify that on September 27, 2024, a true and correct copy of the above and foregoing document was filed via the Court's ECT/CM system and will be served by email to the following attorney in charge:

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/s/ Paul W. O'Finan
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